

INTERFERENCE DIGEST

Interference No. 104,643

Paper No. 36

Name: Philip S. Green

Serial No.: 08/709,930

Patent No.

Title: SURGICAL METHOD

Filed: 09/09/96

Interference with Wang

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, Adverse Dated, 5/28/02

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: BOX INTERFERENCE

COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

MAILED

DEC 7 - 2000

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCESApplicant: GREEN
Application No.: 08/709,930
Filed: 09/09/96
For: SURGICAL METHOD

Filed by: Judge Sally C. Medley

Telephone: (703) 308-9797

Facsimile: (703) 305-0942

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 104,643.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).


SALLY C. MEDLEY
Administrative Patent Judge

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 1

Filed by: Sally C. Medley
Administrative Patent Judge
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
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Filed 7 December 2000

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

YULUN WANG and KEITH PHILLIP LABY

DEC 7 - 2000

Junior Party,
(Patent 5,907,664),

v.

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

PHILIP S. GREEN

Senior Party
(Application 08/709,930).

Patent Interference No. 104,643

NOTICE DECLARING INTERFERENCE
(37 CFR § 1.611)

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties.

Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

Part B. Judge designated to handle the interference
Administrative Patent Judge Sally C. Medley has been designated to handle the interference. 37 CFR § 1.610(a).

Part C. Standing order

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

Part D. Conference call to set dates

A telephone conference call to set dates for taking action in the interference is scheduled for 10:00 a.m. on January 30, 2001 (the call will be initiated from the PTO).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See § 17 of the STANDING ORDER.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE.

Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some mutual agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. The parties involved in this interference are:

Junior Party

Named inventors: Yulun Wang, Goleta, CA
Keith Phillip Laby, Santa Barbara, CA

Patent: U.S. Patent 5,907,664,
granted 25 May 1999,
based on application 08/613,866,
filed 11 March 1996

Title: Automated endoscope system for optimal
positioning

Assignee: Company Motion, Inc.

Accorded Benefit: Application 08/072,982,
filed 3 June 1993, now Patent
No. 5,524,180, granted 4 June 1996

Application 08/005,604,
filed 19 January 1993

Application 07/927,801,
filed 10 August 1992

Attorneys: See last page

Address: See last page

Senior Party

Named Inventors: Philip S. Green, Redwood City, CA

Application: Application 08/709,930
filed 9 September 1996

Title: Surgical method

Assignee: None

Accorded Benefit: Application 07/823,932,
filed 21 January 1992

Attorneys: See last page

Address: See last page

Part F. Counts and claims of the parties

Count 1

Claim 144 of 08/709,930

or

Claim 11 of 5,907,664

The claims of the parties are:

Wang: 1-24

Green: 115, 118-126, 138, 139, 141 and 144

The claims of the parties which correspond to Count 1 are:

Wang: 1-3, 11, 12 and 24

Green: 144

The claims of the parties which do not correspond to Count 1
are:

Wang: 4-10 and 13-23

Green: 115, 118-126, 138, 139, and 141

Part G. Heading to be used on papers

The following heading shall be used on papers filed in the interference. See § 18 of the STANDING ORDER.

Paper. ____¹

Filed on behalf of [name of party]

By: Name of lead counsel, Esq.

Name of backup counsel, Esq.

Street address

City, State, and Zip-Code

Tel:

Fax:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

(Administrative Patent Judge Sally C. Medley)

YULUN WANG and KEITH PHILLIP LABY

Junior Party,
(Patent 5,907,664),

v.

PHILIP S. GREEN

Senior Party
(Application 08/709,930).

Patent Interference No. 104,643

TITLE OF PAPER

¹ Leave a blank line because the board assigns the paper number.

Part H. Summary of dates for taking action

Times for taking action are set out in the following sections of the STANDING ORDER:

1. § 7: date for identifying lead and backup counsel.
2. § 8: date for identifying any real party in interest.
3. § 9: date for requesting copies of involved and benefit applications and patents.
4. § 17: date for filing list of proposed preliminary motions.
5. § 19: date for accomplishing certain discovery.
6. § 20: date for filing clean copy of claims.
7. § 21: date for filing clean copy of claims in cases with drawings and/or claims containing a means plus function limitation.
8. § 23: dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
9. § 33: date for objecting to admissibility of evidence.
10. § 34: date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
11. § 35: dates when cross-examination can take place.
12. § 45: dates for taking action with respect to settlement discussions

Part I. Order form for requesting file copies

FILE COPY REQUEST

Interference 104,643

A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. _____
2. Complete address, including street, city, state, zip code and telephone number (do not list a Post Office box inasmuch as file copies are sent via commercial overnight courier).

Telephone, including area code: _____

Part J. Signature of administrative patent judge



SALLY C. MEDLEY
Administrative Patent Judge

Date: 12/7/00
Arlington VA

Enc:

Copy of STANDING ORDER

Copy of order used for setting times for taking action in
the preliminary motion phase of the interference (ORDERPM6)

Copy of order used for setting times for taking action in
the testimony and briefing phases of the interference
(ORDERTE6)

PTO Form 850 and statement by examiner

Copy U.S. Patent 5,907,664

Copy of claims of Green application 08/709,930

DECLARE.007
Revised September, 2000
(replaces DECLARE.006.1)

cc (via Federal Express):

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